

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
DIVISION

2012 FEB 28 PM 1:45

U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

UMAR M. AIDARUS)

_____)

Name of Plaintiff)

v.)

Metro Nashville Public)

Schools)

Name of Defendant(s))

Case No. _____

(To be assigned by Clerk)

Jury Demand ☐ Yes ☐ No

COMPLAINT UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964, and the Civil Rights Act of 1991, for employment discrimination. Jurisdiction is specifically conferred upon the Court by 42 U.S.C. § 2000e-5, or, if the Plaintiff is a federal employee, by 42 U.S.C. § 2000e-16. Relief is sought under 42 U.S.C. § 2000e-5(g) and/or 42 U.S.C. § 1981a(b).

2. Plaintiff, Umar, is a citizen of the United States and resides at

626-A Benton Ave, Nashville,
Street address City

Davidson, TN, 37204, 615-612-8407.
County State Zip Code Telephone Number

3. Defendant, Metro Nashville Public Schools resides at, or its business is located at

2601 Brandford Ave, Nashville,
Street address City

Davidson, TN, 37204.
County State Zip Code

(If more than one Defendant, list the name and address of each additional Defendant)

4. Plaintiff sought employment from the Defendant or was employed by the Defendant at

7840 Old Harding Road, Nashville
Street address City
County TN State Zip Code 37221

5. Defendant discriminated against Plaintiff in the manner indicated in paragraphs 8 and 9 of this Complaint on or about 02 06 2010.
Month Day Year

6. Plaintiff filed charges against the Defendant with the Tennessee Human Rights Commission or the Equal Employment Opportunity Commission charging the Defendant with the acts of discrimination indicated in paragraphs 8 and 9 of this Complaint on or about
- 12 02 2010
Month Day Year

7. The Equal Employment Opportunity Commission or the United States Department of Justice issued a Notice of Right to Sue which was received by Plaintiff on 12 Month 02 Day 2011 Year, a copy of which Notice is attached.

8. Because of Plaintiff's (1) ✓ race, (2) _____ color, (3) _____ sex,
(4) ✓ religion, (5) ✓ national origin, the Defendant:

- a. _____ failed to employ Plaintiff.
- b. ☒ terminated Plaintiff's employment.
- c. _____ failed to promote Plaintiff.
- d. _____ retaliated against Plaintiff for having filed a charge of discrimination.
- e. _____ other. Explain: _____

9. The circumstances under which Defendant discriminated against Plaintiff were as follows:

See the attached.

(You may use additional paper, if necessary.)

10. The acts set forth in paragraph 8 of this Complaint:

- a. ☒ are still being committed by Defendant.
- b. _____ are no longer being committed by Defendant.
- c. _____ may still be being committed by Defendant.

11. Plaintiff attaches to this Complaint a copy of the charges filed with the Tennessee Human Rights Commission or the Equal Employment Opportunity Commission, which charges are submitted as a brief statement of the facts supporting this Complaint.

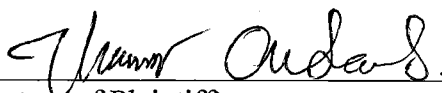
WHEREFORE, Plaintiff prays that the Court grant the following relief:

- a. _____ direct that Defendant employ Plaintiff, or
- b. _____ direct that Defendant re-employ Plaintiff, or
- c. _____ direct that Defendant promote Plaintiff, or
- d. _____ order other equitable or injunctive relief: _____

- e. _____ direct that Defendant pay Plaintiff back pay in the amount of _____ and interest on back pay;

- f. _____ direct that Defendant pay Plaintiff compensatory damages: Specify the amount and basis for compensatory damages: _____

- g. _____ direct that Defendant pay Plaintiff punitive damages in the amount of _____ \$ 180,000 because Defendant engaged in a discriminatory practice or practices with malice or with reckless indifference to Plaintiff's federally protected rights, as described in paragraphs 8 and 9 above; and that the Court grant such other relief as may be appropriate, including costs and attorney's fees.



(Signature of Plaintiff)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

494-2011-00482

Tennessee Human Rights Commission

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Home Phone (Incl. Area Code)

Date of Birth

Mr. Umar M. Aidarus**02-23-1963**

Street Address

City, State and ZIP Code

626-A Benton Avenue, Nashville, TN 37204

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

No. Employees, Members

Phone No. (Include Area Code)

METRO NASHVILLE PUBLIC SCHOOLS**500 or More****(615) 259-8400**

Street Address

City, State and ZIP Code

2601 Bransford Avenue, Nashville, TN 37204

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE☐ COLOR☐ SEX☒ RELIGION☒ NATIONAL ORIGIN☐ RETALIATION☐ AGE☒ DISABILITY☐ GENETIC INFORMATION☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

02-06-2010**02-26-2010**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I was hired as a custodian on July 17, 2000. In December 2009, I was not invited to the school Christmas party and had work duties assigned to me while the party was going on. The principal, Kimber Halliburton, required me to perform duties outside of my normal responsibilities by being assigned to work on Sunday to open the school for a church service. I was unable to make it due to my illness and the principal harshly criticized me. I was terminated effective February 26, 2010 while I was under a doctor's care.

The reason given for my termination is for absence without notification or approval for leave.

I believe I have been discriminated against due to my religion, Muslim; race, Black; and national origin, Somalia; in violation of Title VII of the Civil Rights Act of 1964, as amended. I also believe I have been discriminated against in violation of the Americans with Disabilities Act Amendments Act of 2008.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF CHARGING PARTY

Dec 03, 2010

Date

Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Umar M. Aidarus**
626-A Benton Avenue
Nashville, TN 37204

From: **Nashville Area Office**
220 Athens Way
Suite 350
Nashville, TN 37228



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

494-2011-00482

David J. Smith,
Investigator

(615) 736-5928

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

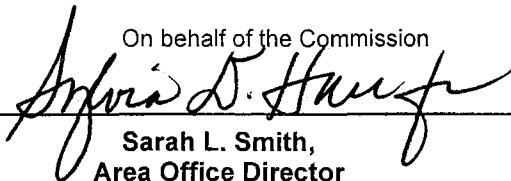
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


Sarah L. Smith,
Area Office Director

NOV 28 2011

Enclosures(s)

(Date Mailed)

cc: **METRO NASHVILLE PUBLIC SCHOOLS**
c/o Department of Law
Attn: Christy Feldman, Esq.
P.O. Box 196300
Nashville, TN 37219-6300

King & Solomon
Attn: David L. King, Esq.
144 Second Avenue North, Suite 159
Nashville, TN 37210